ORIGINAL

RECEIVED
NOV 25 1989
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The

Supreme Court of The United States

No. 89-5346

October Term. 1989

WILLIAM J. BRADLEY,

PETITIONER,

-VS-

STATE OF OHIO,

RESPONDENT.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF OHIO

SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

In Question Four of Petitioner's Petition for Certiorari, Petitioner presented the Court with the question of whether a person who is already in prison for one crime, is considered "in-custody" within the meaning of Miranda v. Arizona and therefore must receive Miranda warnings before being questioned concerning another crime that has been committed.

Shortly after filing the Petition, this Court accepted Illinois v. Perkins, 176 Ill. App. 3d 443, 531 N.E. 2d 141 (Ill. App. 5 Dist. 1988), cert. granted, 110 S. Ct. 49 (U.S. Oct. 2, 1989) (No. 88-01972). The defendant in Perkins, was in jail for one crime when an undisclosed undercover agent question him regarding another crime. The lower court found he was entitled to Miranda warnings before questioning by an undercover agent.

The facts of Petitioner Bradley's case are even more egregious in that the questioning of Mr. Bradley was done by a prison guard. Certainly if Mr.

Perkins was "in custody" when questioned by an undercover agent, Petition Bradley was "in custody" when questioned by a prison guard.

Since the question presented by Perkins is similar to question four presented in Petitioner Bradley's petition, Petitioner Bradley respectfully requests that a decision in his case be delayed until this Court determines the outcome of Illinois v. Perkins.

Respectfully submitted,

RANDALL M. DANA
Ohio Public Defender

RANDALL L. PORTER
Assistant State Public Defender

KATHLEEN A. McGARRY
Assistant State Public Defender

Ohio Public Defender Commission
8 East Long Street - 11th Floor
Columbus, Ohio 43266-0587
614/466-5394

COUNSEL FOR PETITIONER

In the

Supreme Court of The United States

No. 89-5346

October Term, 1989

WILLIAM J. BRADLEY,
PETITIONER,
-VS-
STATE OF OHIO,
RESPONDENT.

CERTIFICATE OF SERVICE

I, Randall L. Porter, a member of the Bar of this Court, hereby certify that on this 22nd day of November, 1989, a copy of the foregoing Supplemental Brief in Support of Petition for Certiorari was sent by first class U.S. Mail to Anthony J. Celebreeze, Attorney General, State of Ohio, State Office Tower, 30 East Broad Street, Columbus, Ohio 43215, and to Lynn A. Grimshaw, Prosecuting Attorney, and R. Randolph Rumble, Assistant Prosecuting Attorney, Scioto County Courthouse, Sixth and Court Streets, Portsmouth, Ohio 45662. I further certify that all parties requiring to be served have been served.

RANDALL L. PORTER
Counsel of Record
Assistant State Public Defender

Ohio Public Defender Commission
8 East Long Street - 11th Floor
Columbus, Ohio 43266-0587
614/466-5394

COUNSEL FOR PETITIONER

Sworn to and subscribed in my presence this 22nd day of November, 1989.

Kathleen A. McGarry
NOTARY PUBLIC

KATHLEEN A. McGARRY, ESQ.
NOTARY PUBLIC, STATE OF OHIO
My Commission Has No Expiration Date
R.C. 147.03